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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES E. MCROY

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

08CV 2741

JUDGE CASTILLO

MAGISTRATE JUDGE BROWN

vs.

Case No:

(To be supplied by the Clerk of this Court)

MICHAEL F. SHEAHAN, FORMER

SHERIFF OF COOK COUNTY;  
CALLIE BAIRD, FORMER EXECUTIVE DIRECTOR;  
SUPERINTENDENT CHESTER

JURY DEMAND REQUESTED

PLAXICO; JOHN DOE 1,

CORRECTIONAL OFFICER BAGE

NUMBER T930; AND COOK COUNTY, ILLINOIS.

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

CHECK ONE ONLY:

X

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983  
U.S. Code (state, county, or municipal defendants)

\_\_\_\_\_

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE  
28 SECTION 1331 U.S. Code (federal defendants)

\_\_\_\_\_

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR  
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

**I. Plaintiff(s):**

- A. Name: JAMES E. MCROY
- B. List all aliases: UMAR, USED ON SMALL OCCASIONS.
- C. Prisoner identification number: 20020032025
- D. Place of present confinement: COOK COUNTY DEPARTMENT OF CORRECTIONS
- E. Address: 2700 SOUTH CALIFORNIA AVE., CHICAGO, ILLINOIS 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: MICHAEL F. SHEAHAN  
 Title: FORMER SHERIFF OF COOK COUNTY  
 Place of Employment: COOK COUNTY, ILLINOIS
- B. Defendant: CALLIE BAIRD  
 Title: FORMER EXECUTIVE DIRECTOR OF COOK COUNTY JAIL.  
 Place of Employment: CHESTER PLAZA/MS COOK COUNTY JAIL.
- C. Defendant: CHESTER PLAZA  
FORMER SUPERINTENDENT OF DIVISION XI  
 Title: FORMER SUPERINTENDENT OF DIVISION XI  
 Place of Employment: COOK COUNTY JAIL.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D. DEFENDANT: JOHN DOE 1

TITLE: CORRECTIONAL OFFICER, # 7930

PLACE OF EMPLOYMENT: COOK COUNTY JAIL

E. DEFENDANT: COOK COUNTY, ILLINOIS

TITLE: COUNTY

PLACE OF EMPLOYMENT: MUNICIPALITY IN ILLINOIS

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- McROY V. KMARK, #01C1377; McROY V. ARAMARK, Et AL., #03C4718; McROY V. CERMAK, Et AL., 03C-6724; McROY V. SHEAHAN, Et AL., #03C6756; McROY V. HOLMES, Et AL., #04C5247; McROY V. JOHNSON, Et AL., #04C2764. McROY V. STATE, Et AL., #08CC2116; McROY V. STATE, Et AL., #08CC2293; McROY V. STATE, Et AL., #08CC2799.
- A. Name of case and docket number: McROY V. HOLMES, Et AL., #04C5247; McROY V. JOHNSON, Et AL., #04C2764. McROY V. STATE, Et AL., #08CC2116; McROY V. STATE, Et AL., #08CC2293; McROY V. STATE, Et AL., #08CC2799.
- B. Approximate date of filing lawsuit: AUGUST 2000; JULY 2003; SEPTEMBER 2003; OCTOBER 2003; APRIL 2004; AUGUST 2004; JANUARY 2008; FEBRUARY 2008; APRIL 2008.
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: JAMES E. McROY; UMAR, USED ON SMALL OCCASION.
- D. List all defendants: KMARK; ARAMARK CORRECTIONAL SERVICES, INC., Et AL.; CERMAK HEALTH SERVICES, Et AL.; MICHAEL F. SHEAHAN, Et AL.; BRIAN JOHNSON, Et AL.; MICHAEL HOLMES, Et AL.; STATE OF ILLINOIS, Et AL.; STATE OF ILLINOIS, Et AL.; STATE OF ILLINOIS, Et AL.
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): FIRST SIX FILED IN NORTHERN DISTRICT OF ILLINOIS; THE LAST THREE FILED IN THE STATE OF ILLINOIS, COURT OF CLAIM, SPRINGFIELD, IL.
- F. Name of judge to whom case was assigned: DO NOT KNOW. JUDGE ASSIGNED TO KMARK; JUDGE RONALD A. GUZMAN ASSIGNED TO JOHNSON, #04C2764; AND ALL OTHER CASES ASSIGNED TO JUDGE RUBEN CASTILLO.
- G. Basic claim made: WORK DISCRIMINATION; SERVING UNFIT FOOD; CONTRACTED LATENT TUBERCULOSIS; RELIGIOUS DISCRIMINATION; EXCESSIVE FORCE; FAILURE TO PROTECT. STATE CLAIMS, TUBERCULOSIS AND SERVED UNFIT FOOD AND HEPATITIS.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): DISMISSED, #01C1377; APPEALED, #03C4718, #03C6724, 03C6756; DISMISSED, #04C2764, AND #04C5247. STATE CLAIMS STILL PENDING, #08CC2116 AND #08CC2293 AND #08CC2799.
- I. Approximate date of disposition: #01C1377, 02/19/02; #04C2764, 7/8/05; #04C5247, 04/14/06; #03C4718, APPEALED #06-3922, 03/13/08; #03C6724, APPEALED #05-3647, PETITION FOR WRIT OF CERTIORARI WAS DENIED; #03C6756, APPEALED #05-2519, PETITION FOR WRIT OF CERTIORARI WAS DENIED #07-648, 11/13/07.

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

## IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

NOW COMES PLAINTIFF, JAMES E. MCROY, PRO SE, MOVES  
THIS HONORABLE COURT AND FILES THIS 42 SECTION 1983 U.S.C  
COMPLAINT AGAINST THE ABOVE DEFENDANTS AND IN SUPPORT  
THEREOF STATES THE FOLLOWING:

### PARTIES

1. PLAINTIFF, JAMES E. MCROY (MCROY), WHO IS CONFINED  
AS A DETAINEE IN COOK COUNTY DEPARTMENT OF CORRECTIONS  
(COOK COUNTY JAIL) AT 2700 SOUTH CALIFORNIA AVENUE,  
CHICAGO, ILLINOIS 60608, SINCE APRIL 21, 2002, IDENTIFICATION  
NUMBER 20020032025.
2. DEFENDANT COOK COUNTY, ILLINOIS (COOK COUNTY), OPERATES  
THE COOK COUNTY JAIL. COOK COUNTY HAS A LEGAL RESPON-  
SIBILITY TO ADMINISTER ITS PROGRAMS AND SERVICES IN  
CONFORMITY WITH THE UNITED STATES CONSTITUTION, AND IS  
A MUNICIPALITY INCORPORATED UNDER THE LAW OF THE STATE  
OF ILLINOIS. COOK COUNTY ADMINISTERS ITSELF THROUGH  
DEPARTMENTS ONE OF WHICH IS THE COOK COUNTY DEPARTMENT  
OF CORRECTIONS.

3. DEFENDANT MICHAEL F. SHEAHAN (SHEAHAN), WAS THE SHERIFF OF COOK COUNTY DURING THE EVENTS THAT ARE THE SUBJECT OF THIS LAWSUIT. SHEAHAN IS SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITY.
4. ONE OF THE SHERIFF OF COOK COUNTY'S CHARGED DUTIES IS TO OPERATE AND CONTROL THE COOK COUNTY DEPARTMENT OF CORRECTIONS.
5. DEFENDANT CALLIE BAIRD (BAIRD), WAS THE EXECUTIVE DIRECTOR FOR COOK COUNTY DEPARTMENT OF CORRECTIONS DURING THE EVENTS THAT ARE THE SUBJECT OF THIS LAWSUIT. BAIRD IS SUED IN HER INDIVIDUAL AND OFFICIAL CAPACITY.
6. DEFENDANT SUPERINTENDENT CHESTER PLAXICO (PLAXICO) WAS THE OVERSEER OF THE OPERATIONS OF DIVISION XI, AND DIRECTLY OR INDIRECTLY SUPERVISES ALL OF IT'S PERSONAL. PLAXICO IS SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITY.
7. DEFENDANT JOHN DOE 1 (WHO NAMES IS UNKNOWN TO PLAINTIFF AT THIS TIME), ~~HE~~ WAS OR IS EMPLOYED AS A CORRECTIONAL OFFICER, BAGE #7930 AT COOK COUNTY JAIL. JOHN DOE 1 IS SUED IN <sup>HIS</sup> ~~THEIR~~ INDIVIDUAL AND OFFICIAL CAPACITY.
8. AT ALL RELEVANT TIMES ALL DEFENDANTS ACTED UNDER THE COLOR OF STATE LAW, AND WITHIN THE SCOPE OF THEIR EMPLOYMENT.

COUNT ONE - CIVIL RIGHTS VIOLATIONS  
(42 U.S.C. SECTION 1983)

9. PLAINTIFF INCORPORATES PARAGRAPHS 1-8, HEREIN.
10. PLAINTIFF IS AT ALL TIMES RELEVANT TO THIS CIVIL RIGHTS COMPLAINT, A COOK COUNTY JAIL DETAINEE AND WAS HOUSED IN DIVISION XI, UNIT AC, THE MEDICAL UNIT.
11. AS A RESULT TO DEFENDANTS' DELIBERATE INDIFFERENCE TO HIS SAFETY, PLAINTIFF SUFFERED PHYSICAL INJURIES, EMOTIONAL DISTRESS, PAIN AND SUFFERING TO BODY AND MIND.
12. THIS ACTION IS BROUGHT PURSUANT TO 42 U.S.C. SECTION 1983 FOR VIOLATIONS OF THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES, AND PURSUANT TO ILLINOIS COMMON LAW. THIS COURT HAS ORIGINAL JURISDICTION OF CIVIL ACTIONS ARISING UNDER THE CONSTITUTION AND THE LAWS OF UNITED STATES PURSUANT TO 28 U.S.C. SECTION 1331.
13. THIS COURT HAS SUPPLEMENTAL JURISDICTION OF OVER PLAINTIFF MCROY'S ILLINOIS COMMON LAW CLAIM PURSUANT TO 28 U.S.C. SECTION 1367(A) BECAUSE IT IS PART OF THE SAME CASE OR CONTROVERSY AS THE SECTION 1983 CLAIM.
14. VENUE IS PROPER IN THIS COURT PURSUANT TO 28 U.S.C. SECTION 1391(B) BECAUSE THE EVENTS AND OMISSIONS GIVING RISE TO THIS CLAIM OCCURRED WITHIN THIS JUDICIAL DISTRICT.
15. AS A RESULT TO DEFENDANTS' DELIBERATE INDIFFERENCE TO HIS SAFETY, PLAINTIFF PHYSICAL INJURIES AND EMOTIONAL DISTRESS WOULD HAVE BEEN AVOIDED.
16. THIS IS A CIVIL ACTION FOR MONETARY DAMAGES FOR DEFENDANTS' DEPRIVATION OF PLAINTIFF MCROY'S RIGHT BY THEIR NEGLIGENT CONDUCT

AND BY THEIR DELIBERATE INDIFFERENCE TO PLAINTIFF MCROY'S SAFETY, RESULTING IN HIS SUFFERING PHYSICAL INJURIES, EMOTIONAL INJURIES, PAIN AND SUFFERING TO BODY AND MIND.

17. AS EMPLOYEES OR AGENTS OF THE COOK COUNTY JAIL, EACH AND EVERY DEFENDANT ACTED UNDER COLOR OF STATE LAW.

18. THE ACTS AND OMISSIONS UPON WHICH THIS COMPLAINT IS BASED TOOK PLACE AT COOK COUNTY JAIL.

19. PLAINTIFF HAS EXHAUSTED ALL ADMINISTRATIVE GRIEVANCE PROCEDURES AVAILABLE TO HIM.

20. ON JUNE 7, 2004, PLAINTIFF FILED A GROUP DETAINEE GRIEVANCE CONCERNING "SAFTY" BEING FORCED OUT OF CELL. (SEE EXHIBIT 1).

21. ON JUNE 8, 2004, PLAINTIFF FILED GRIEVANCE ABOUT INMATES/ DETAINEES ARE NOT BEING ALLOWED TO STAY IN THEIR CELLS. (SEE EXHIBIT 2).

22. THE COOK COUNTY JAIL'S DIRECTIVE FORCING DETAINEES OUT OF CELLS BY CORRECTIONAL OFFICERS, ON JUNE 30, 2004, PLAINTIFF WAS PHYSICALLY ATTACKED WITH A BROOM STICK AND A STEEL CRUTCH.

23. PLAINTIFF RECEIVED MULTIPLE CONTUSIONS TO HEAD, NECK, ARMS AND HANDS FROM PHYSICAL ATTACK AND WAS TAKEN TO THE EMERGENCY ROOM FOR X-RAYS AND TREATMENT ON JUNE 30, 2004. (SEE EXHIBIT 3).

24. PLAINTIFF RECEIVED A TICKET FOR PROTECTING HIMSELF ON JUNE 30, 2004. (SEE EXHIBIT 4), FROM PHYSICAL ATTACK

25. ON JULY 2, 2004, PLAINTIFF APPEALED HIS TICKET (DISCIPLINARY



REPORT), AND HANDED IT TO OFFICER ALBERSON. (EXHIBIT 5).

26. ON JULY 26, 2004, PLAINTIFF WROTE A FOLLOW-UP LETTER ON HIS APPEAL, AND HANDED IT TO SERGEANT SUBER. (EXHIBIT 6).

27. ON AUGUST 9, 2004, PLAINTIFF FILED A GRIEVANCE CONCERNING HIS DISCIPLINARY REPORT (TICKET) THAT HE RECEIVED JUNE 30, 2004. (EXHIBIT 7).

28. BY ALLOWING BROOMS AND STEEL CRUTCHES ON MEDICAL UNIT AND BY REFUSING TO REMOVE THEM JOHN DOE I ACTED WITH DELIBERATE INDIFFERENCE TO PLAINTIFF'S SAFETY, THUS VIOLATING HIS RIGHTS UNDER THE FOURTEENTH AMENDMENT.

29. DURING THE MELEE, PLAINTIFF MCROY OBSERVED DEFENDANT JOHN DOE I, WATCHING THE ALTERCATION UP STAIRS IN THE SECURITY BOTH LAUGHING. DEFENDANT JOHN DOE I CONTINUED TO WATCH AND LAUGH FOR FIFTEEN TO TWENTY MINUTES.

30. BY FORCING PLAINTIFF OUT OF HIS CELL, DEFENDANT'S SHEAHAN, BAIRD, PLAXICO, AND JOHN DOE I ACTED WITH DELIBERATE INDIFFERENCE TO PLAINTIFF'S SAFETY.

31. BY JOHN DOE I, WATCHING MELEE (PHYSICAL ATTACK) TO PLAINTIFF MCROY, JOHN DOE ACTED WITH DELIBERATE INDIFFERENCE TO PLAINTIFF'S SAFETY.

32. BY DEFENDANT'S SHEAHAN, BAIRD, AND PLAXICO PERMITTING THEIR SUBORDINATES TO PLACE BROOMS AND STEEL CRUTCHES ON MEDICAL UNIT AND BY FAILING TO ORDER THEIR SUBORDINATES TO REMOVE BROOMS AND STEEL CRUTCHES, DEFENDANTS ACTED WITH DELIBERATE INDIFFERENCE TO PLAINTIFF'S SAFETY, THUS VIOLATING PLAINTIFF'S RIGHT UNDER THE EIGHT AND FOURTEENTH AMENDMENTS OF DUE PROCESS CLAUSE.

33. BY DEFENDANT'S SHEAHAN AND BAIRD ORDERING AN DIRECTIVE COMPOUND WIDE, TO NOT ALLOWED INMATES AND DETAINEES IN THEIR CELL WAS THE ACTUAL AND PROXIMATE CAUSE OF THE PHYSICAL HARM SUFFERED BY PLAINTIFF MCROY. THUS VIOLATING HIS RIGHTS UNDER THE EIGHTH AND FOURTEENTH AMENDMENTS AND ACTED WITH DELIBERATE INDIFFERENCE TO PLAINTIFF MCROY'S SAFETY.

WHEREFORE, PLAINTIFF PRAYS THIS HONORABLE COURT:

- A). AWARD COMPENSATORY DAMAGES FROM ALL DEFENDANTS IN AN AMOUNT TO BE DETERMINED AT TRIAL;
- B). AWARD PLAINTIFF DAMAGES FOR PHYSICAL INJURIES SUFFERED, EMOTIONAL DISTRESS, PAIN AND SUFFERING TO BODY AND MIND IN AN AMOUNT TO BE DETERMINED AT TRIAL;
- C). AWARD PUNITIVE DAMAGES FROM ALL DEFENDANTS IN AN AMOUNT TO BE DETERMINED AT TRIAL;
- D). AWARD REASONABLE ATTORNEY'S FEES, COSTS AND EXPENSES, PURSUANT TO 42 U.S.C. SECTION 1988.

COUNT TWO - PHYSICAL HARM CAUSED BY PLACING BROOMS AND STEEL CRUTCHES ON MEDICAL UNIT, AND CCDOC'S DIRECTIVE FORCING DETAINEE OUT OF CELLS.

- 34. PLAINTIFF INCORPORATES PARAGRAPHS 1-33 HEREIN.
- 35. COOK COUNTY JAIL IS RESPONSIBLE FOR PLAINTIFF MCROY'S SAFETY AND A DUTY OF REASONABLE CARE.
- 36. DEFENDANTS KNEW OR SHOULD HAVE KNOWN BY PLACING BROOMS AND STEEL CRUTCHES ON MEDICAL UNIT, POSED AN

EXCESSIVE RISK TO THE SAFETY OF ANY DETAINEE WHOM LIVED ON MEDICAL UNIT, ESPECIALLY UNDER MEDICATED CONDITIONS OR UNMEDIATED CONDITIONS.

37. DEFENDANTS KNEW OR SHOULD HAVE KNOWN BY PLACING BROOMS AND STEEL CRUTCHES ON MEDICAL UNIT DETAINEES UNMEDIATED, ANGRY, AND/OR IN AN AGITATED STATE POSED AN EXCESSIVE RISK TO THE SAFETY OF ANY DETAINEE WHOM LIVED ON THE UNIT.

38. BY PLACING BROOM AND CRUTCHES, ALONG WITH FORCING DETAINEES OUT OF THEIR CELLS, DEFENDANTS ACTED WITHOUT REASONABLE CARE TO PLAINTIFF MCROY'S SAFETY.

39. THE CCDOC'S DIRECTIVE FORCING DETAINEES OUT OF CELLS, AND PLACING BROOM AND CRUTCHES ON UNITS IS PARAMOUNT TO A PRACTICE AND/OR POLICY.

40. THE ABOVE SAID ITEMS AND COOK COUNTY JAIL'S DIRECTIVE/ POLICY CAUSED PLAINTIFF MCROY TO SUFFER PHYSICAL HARM.

41. BY JOHN DOE, WATCHING PHYSICAL ATTACK AND LAUGHING FOR FIFTEEN TO TWENTY MINUTES WAS THE ACTUAL AND PROXIMATE CAUSE OF THE PHYSICAL HARM SUFFERED BY PLAINTIFF MCROY.

42. PLAINTIFF MCROY EXHAUSTED ALL ADMINISTRATIVE GRIEVANCE PROCEDURES AVAILABLE TO HIM.

43. SUCH INACTION ON THE PART OF THE COOK COUNTY DEPARTMENT OF CORRECTIONS IS PARAMOUNT TO A PRACTICE AND/OR POLICY.

WHEREFORE, PLAINTIFF PRAYS THIS HONORABLE COURT:

A). AWARD COMPENSATORY DAMAGES FROM ALL DEFENDANTS IN AN AMOUNT TO BE DETERMINED AT TRIAL;

B). AWARD PLAINTIFF DAMAGES FOR PHYSICAL INJURIES SUFFERED, EMOTIONAL DISTRESS, PAIN AND SUFFERING TO BODY AND MIND IN AN AMOUNT TO BE DETERMINED AT TRIAL;

C). AWARD PUNITIVE DAMAGES FROM ALL DEFENDANTS IN AN AMOUNT TO BE DETERMINED AT TRIAL;

D). AWARD REASONABLE ATTORNEY'S FEES, COSTS AND EXPENSES, PURSUANT TO 42 U.S.C. SECTION 1988.

COUNT THREE - NEGLIGENCE / WILLFUL AND WRONGFUL CONDUCT, PURSUANT TO 745 ILCS 10/4-103

44. PLAINTIFF INCORPORATES PARAGRAPHS 1-43 HEREIN.

45. AS COOK COUNTY JAIL OFFICIALS, DEFENDANTS OWED PLAINTIFF, A PRETRIAL DETAINEE, A DUTY OF REASONABLE CARE.

46. BY FORCING PLAINTIFF OUT OF HIS CELL, BY ALLOWING BROOMS AND STEEL CRUTCHES ON MEDICAL UNIT, BY REFUSING TO REMOVE SAID ITEMS FROM UNIT, AND/OR BY ALLOWING PLAINTIFF TO BE ASSAULTED WITH BROOM STICK AND STEEL CRUTCH, BREACHED THEIR DUTY OF CARE AND SAFETY TO PLAINTIFF.

47. BECAUSE, UPON INFORMATION AND BELIEF DEFENDANT'S FORCED PLAINTIFF MCROY OUT OF HIS CELL, DEFENDANT'S SHEAHAN AND BAIRD AND PLAXICO, BREACHED THEIR DUTY OF CARE TO PLAINTIFF MCROY.

48. BECAUSE, UPON INFORMATION AND BELIEF DEFENDANTS PERMITTED THEIR SUBORDINATES TO PLACE BROOMS AND CRUTCHES ON UNIT AND FAILING TO REMOVE THEM DEFENDANT'S BREACHED THEIR DUTY OF CARE TO PLAINTIFF.

49. BECAUSE, UPON INFORMATION AND BELIEF DEFENDANT'S THEREBY

ACTED WILLFULLY AND WANTONLY, WITH UTTER INDIFFERENCE AND/OR CONSCIOUS DISREGARD FOR PLAINTIFF'S SAFETY.

50. BECAUSE, UPON INFORMATION AND BELIEF PLAINTIFF MCROY HAS SUFFERED PHYSICAL INJURIES AND EMOTIONAL DISTRESS AS A RESULT OF DEFENDANT'S BREACH OF THEIR DUTY OF CARE.

51. BECAUSE, UPON INFORMATION AND BELIEF PLAINTIFF MCROY CLAIMS IN ILLINOIS MAY BE TOLLED WHILE HE SEEKS ADMINISTRATIVE REMEDIES OF HIS CLAIM, WHICH WAS WITHIN FIRST AMENDED COMPLAINT 06C3033, <sup>AND</sup> DOCUMENT 42, OF THIS COURT.

WHEREFORE, PLAINTIFF JAMES E. MCROY, PRAYS AND RESPECTFULLY REQUEST THAT THIS HONORABLE COURT:

A). AWARD COMPENSATORY DAMAGES FROM ALL DEFENDANTS IN AN AMOUNT TO BE DETERMINED AT TRIAL.

B). AWARD PLAINTIFF DAMAGES FOR PHYSICAL INJURIES SUFFERED, EMOTIONAL DISTRESS, PAIN AND SUFFERING TO BODY AND MIND IN AN AMOUNT TO BE DETERMINED AT TRIAL;

C). AWARD PUNITIVE DAMAGES FROM ALL DEFENDANTS IN AN AMOUNT TO BE DETERMINED AT TRIAL;

D). AWARD REASONABLE ATTORNEY'S FEES, COSTS AND EXPENSES, PURSUANT TO 42 U.S.C. SECTION 1988.

### JURY DEMAND

PLAINTIFF DEMANDS TRIAL BY A JURY OF TWELVE IN THIS MATTER.

## V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

SEE ABOVE ~~SECTION~~ SECTION.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

## CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 7TH day of MAY, 2008

James E. McRoy  
(Signature of plaintiff or plaintiffs)

JAMES E. McROY  
(Print name)

20020032025  
(I.D. Number)

DIVISION 9, UNIT 3D

P.O. BOX 089002

CHICAGO, ILLINOIS 60608  
(Address)

## **EXHIBIT 1**

Div: 11 - AD

Part-A / Control #: 2004X 0650

Referred To: Supt. Div. 11

CELLS OCCUPANCY-

# COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: McROY First Name: JAMES

ID #: 2002-0032025 Div.: 11 Living Unit: AC Date: 06/07/04

BRIEF SUMMARY OF THE COMPLAINT: <sup>①</sup> THESE COMPLAINTS COME IN ACCORDANCE WITH C.C.D.O.C. RULES AND REGULATIONS FOR DETAINEES HANDBOOK PAGE 1, UNDER RIGHTS AND RESPONSIBILITIES OF C.C.D.O.C. DETAINEES. (N) EXPECT THAT AS A HUMAN BEING YOU WILL BE TREATED RESPECTFULLY, IMPARTIALLY, AND FAIRLY BY ALL PERSONNEL.

<sup>②</sup> ON JUNE 7, 2004, A MEMORANDUM CAME OUT DATED MAY 17, 2004, FROM SUPER-INTENDENT DIAZCO, BADGE #14, STATING "EFFECTIVE MAY 24, 2004, AND UNTIL FURTHER NOTICE, INMATES WILL NO LONGER BE ALLOWED TO STAY IN THEIR CELLS DURING THE 7-3 SHIFT AND 3-11 SHIFT. THE ONLY EXCEPTION TO THIS DIRECTIVE ARE THOSE TIERS DESIGNATED AS A3 AND 1. (AB), (AD), (AG) AND (AJ). ALL STAFF ARE TO ENSURE THAT THIS POLICY IS STRICTLY ADHERED TO.

<sup>③</sup> THESE NEW RULE ARE VIOLATIONS OF CONSTITUTIONAL AND STATUTORY RIGHTS. BY FORCING DETAINEES OUT INTO DAY ROOM, IT IS NOT SAFE FOR DETAINEES ON MEDICATION, LONG DAYS AT COURT, LONG DAYS IN HOLDING PENS FROM SICK CALLS TO DISPENSARY, CEMAK, LONG NIGHTS UP STUDYING CRIMINAL COMPLAINTS, READING, TAKING NIGHTLY MEDICATION, BEING SICK OR JUST NOT FEELING WELL.

<sup>④</sup> FORCING DETAINEES OUT ARE NOT GIVING US ANY PRIVACY TO STUDY CRIMINAL, CIVIL COMPLAINTS WITHOUT SOMEONE LOOKING OVER YOUR SHOULDER. SAFETY IS A PROBLEM WITH DETAINEES BEING TIRED OR DROWSY SLEEPING IN DAY ROOM.

<sup>⑤</sup> OFFICERS ARE NOT ON LIMIT ANYWAY TO STOP SOMEONE FROM GETTING HURT. DETAINEES ARE LEFT ALONE FOR HOURS AT A TIME WITHOUT SUPERVISION AND <sup>pg 8</sup> ~~WHEN INMATES ARE IN THE DAY ROOM, THEY ARE NOT MONITORED BY OFFICERS.~~ AS THIS BEING A MEDICAL UNIT, INMATES HERE ARE ON CRUISES, HAVE PHYSICAL HANDICAPS, BACK PROBLEMS, WHERE STAYING IN THE DAY ROOM CAUSES MORE PAIN, STRESS WHEN EVERYONE ~~NOTION THAT THEY ARE REQUESTED~~ OUT ALL DAY, STRESS LEVELS RISES, SOME PEOPLE STAY IN THERE CELLS TO DE STRESS AND STAY OUT OF TROUBLE. INMATES RECEIVE ONLY ABOUT FIVE TO SIX HOURS OF REST, RAZORS COME AT ABOUT 12:00AM, BREAKFAST AT 4:00AM LACK OF REST BRINGS MORE STRESS, MORE ANXIETY, VIOLENCE AND CAUSES HEALTH PROBLEMS, ECT.

DETAINEE SIGNATURE: \*SEE ATTACHED\*

C.R.W.'S SIGNATURE: [Signature]DATE C.R.W. RECEIVED: 6/14/04

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form. All appeals must be made in writing and directly submitted to the Superintendent.



Part-A / Control #

Referred To:

2004X0650

Supt. Div. 11

\* ATTACHED \*

## COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: McROYFirst Name: JAMESID #: 2002 - 0032005 Div.: 11 Living Unit: AC Date: 06 / 07 / 04BRIEF SUMMARY OF THE COMPLAINT: TRYING TO GET SOMEONE TAKES TIME THAT COULD COST THEM THEIR LIFE.

- ⑥ THERES TOO MUCH NOISE IN DAY ROOM FOR STUDYING. T.V. IS UP LOUD, 48 MEN TALKING, SINGING, PLAYING GAMES, ARGUING, GANG ACTIVITY AND BEING RECRUIT FOR GANGS.
- ⑦ THIS IS ALSO A VIOLATION FOR POST TRIAL DETAINEES TO PREPARE FOR THEIR CASE(S), NO QUITE TIME ALONE TO STUDY, READ, WRITE LETTERS TO ATTORNEY(S), FRIENDS AND FAMILY, WITHOUT OTHER INMATES OBTAINING THEIR CONFIDENTIAL INFORMATION AND LAW LIBRARY CAN NOT ACCOMMODATE EVERYONE FOR A WEEKLY VISIT, PLUS THERE NO LIBRARY FOR GENERAL POPULATION.
- ⑧ THERE ARE ALOT OF DETAINEES ON MEDICATION THAT MAKES ONE DROWSY AND THIS IS PUTTING THEIR SAFETY IN JEOPARDY, BY BEING AROUND IN THIS STATE OF MIND, THEIR BELONGINGS ARE IN JEOPARDY, BY BRING OUT COMMISSARY AND PERSONAL PAPERWORK.
- ⑨ THE GENERAL RULES SAY NOTHING ABOUT COMING OUT ALL DAY. THIS IS A VIOLATION OF THE GENERAL RULES FOR C.C.D.O.C., WE ALREADY DO NOT HAVE ANY OPPORTUNITY TO CLEAN OUT OUR CELLS, GENERAL RULE (5) AND (6). NOW NO TIME TO OUR SELF FOR PERSONAL PERSONS, TIME ALONE, STUDY TIME, SICK TIME, ECT.
- ⑩ IF UNIT DECIDES TO GO UP, THAT PUTS EVERYBODY AT HARMS WAY, BY FORCING EVERYONE OUT INTO THE DAYROOM, BECAUSE OFFICERS ARE NOT ON DECK ANYWAY, AND PUT INMATES AT RISK FOR HEALTH ISSUES TO BODY BREATHING IN DUST, SMOKE, AND GERMS FROM PEOPLE WALKING BY WHILE ON FLOOR. (11) THIS IS A VIOLATION OF C.C.D.O.C. RULES AND REGULATION AND THIS IS A DISCRIMINATOR AGAINST DIVISION 11, BY FORCING US OUT OF OUR CELL AND OTHER DIVISIONS ARE NOT FORCED OUT TO COME OUT OF THEIR CELLS ALL DAY.
- ACTION THAT YOU ARE REQUESTING:  
NOT TO BE FORCED OUT ALL DAY INTO DAY ROOM MORNING AND EVENING.

\* SEE INMATE PETITION \* ATTACHED \*  
 FORTY TWO (42) NAMES  
 DETAINEE SIGNATURE: JAMES E McRoy

C.R.W.'S SIGNATURE: [Signature]DATE C.R.W. RECEIVED: 6/14/04

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.  
 All appeals must be made in writing and directly submitted to the Superintendent.

INMATES GRIEVANCE / PETITION DATED MAY 7, 2004

INMATES SIGNATURE	UNIT	INMATES SIGNATURE	UNIT
1. James McKey 20030032025	AC	34. Harold Cardona 20030080346	AC
2. Willie Wilson 20030001884	AC	35. Hunter Holland 20030011010	AC
3. Raymon Barber 2001-007-3433	AC	36. Milton Jackson 2004005700	AC
4. Audie Seeger 2003-008-3997	AC	37. Edward Lagrumb	AC
5. Derrick Hall 20040013431	AC	38. Enigma Laramie 20050084831	AC
6. Willie Daniels 20040015790	AC	39. Mohamed Achler 20040045663	AC
7. Andrew H. Huppert 2004003251	AC	40. Walter Williams 20040045625	AC
8. Thomas Hill 2002-009/05	AC	41. Robert Turner	AC
9. James Masterson 20040009284	AC	42. Anthony Johnson 20040045570	AC
10. Darnell A. Carr 20040087941	AC	43. DALE Mizansky	AC
11. Robert J. Wheeler 20030011984	AC	44.	
12. Vincent Lee 20030090105	AC	45.	
13. Aaron Johnson 20030031969	AC	46.	
14. Jimmy Cook 20030031969	AC	47.	
15. Brandon Williams 20030031969	AC	48.	
16. Eliah Murphy 010058025	AC	49.	
17. Darnell K. Childress 19970001495	AC	50.	
18. Darnell K. Childress 19970001495	AC	51.	
19. Jermaine Filler 20030092363	AC	52.	
20. Luis Maldonado 20030085811	AC	53.	
21. Pablo Aguilar Jr. 20030051803	AC	54.	
22. JOE VIEZ 20030067705	AC	55.	
23. Jon Trayner 20030091737	AC	56.	
24. Korysetof Bujda 20030091737	AC	57.	
25. Anthony Gibbs 20040056720	AC	58.	
26. David Morley 20040056720	AC	59.	
27. Tyrone Cross 2003-007-1375	AC	60.	
28. John Brown 20040044136	AC	61.	
29. Ke. H. Aragon 20050011792	AC	62.	
30. Willie Hall 20050015584	AC	63.	
31. Lisha Tancus 20040032855	AC	64.	
32. Clifton Hester 20040031257	AC	65.	

## **EXHIBIT 2**

Part-A / Control #: 2004X 0650Referred To: Supt. Div. 11

-CELLS OCCUPANCY-

# COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: MEROY First Name: JAMESID #: 2002-0032025 Div.: 11 Living Unit: AC Date: 06/8/04

①

BRIEF SUMMARY OF THE COMPLAINT: ON JUNE 8, 2004, I WAS CALLED TO CERMARK Hos  
AT 7AM AND MOVED TO HOLDING AT 8:15AM. I WAS IN CERMARK HOSP.  
ALL DAY UNTIL 2:30PM AND BACK ON UNIT AT 3:30PM AFTER SHIFT  
CHANGE.

② I GAVE BLOOD AT THE HOSPITAL AND WAS VERY TIRED FROM THE LONG DAY.  
I WAS INFORM BY THE OFFICER COVERING THIS UNIT, I WOULD NOT BE ABLE  
TO GO IN MY CELL AND STAY. I ASKED FOR A SERGEANT AND WAS TOLD THE  
SAME BECAUSE OF A MEMORANDUM THAT CAME FROM THE SUPERINTEN-  
DENT PLACIO #14, STATING "NO LONGER WILL INMATES BE ALLOWED TO STAY  
IN THEIR CELLS DURING THE 7-3 SHIFT AND 3-11 SHIFT.

③ THIS IS A VIOLATION OF OUR STATUTORY RIGHTS, BECAUSE IT'S NOT WRITTEN  
IN THE C.C.D.C. RULES AND REGULATIONS, FOR DETAINEES HANDBOOK/ET. ALSO  
IT'S VERY DANGEROUS TO BE PROWSY OR SLEEPING IN DAY ROOM. (THIS IS A PERSON  
NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT: SAFTY PROBLEM AND C.C.D.A

OFFICER COVERING THIS UNIT FROM 3-11 SHIFT, SERGEANT JOHNSON #1007  
ACTION THAT YOU ARE REQUESTING:

DETAINEE SIGNATURE: James MeroyC.R.W.'S SIGNATURE: [Signature]DATE C.R.W. RECEIVED: 6/14/04

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.  
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Part - B / Control #:

2004X0650

## C.C.D.O.C. DETAINEE GRIEVANCE / REFERRAL &amp; RESPONSE

\*EMERGENCY GRIEVANCES ARE THOSE INVOLVING AN IMMEDIATE THREAT TO THE WELFARE OR SAFETY OF A DETAINEE\*

Detainee's Last Name: McKoy First Name: James ID# 2020032025Is This Grievance An Emergency? YES ☐ NO ☒C.R.W.'S Summary Of The Complaint: Inmate have some concerns with not being able to remain in their cells during the 7-3 and 8-11 shiftC.R.W. Referred Griev. To: Supt. Dull Date Referred: 6/14/04Response Statement: Be advised that the policy of inmates not being allowed in their cell, is a DIRECTIVE compound wide. There will be no deviation from the policy.Supt. C. Plaxico #14 Supt. C. Plaxico #14 Date: 06/15/04 Div./Dept. VI  
(print - name of individual responding to this griev.) (signature of individual responding to this griev.)Supt. C. Plaxico #14 Supt. C. Plaxico #14 Date: 06/15/04 Div./Dept. VI  
(print - name of Supt. / Designee / Dept. Admin.) (signature of Supt. / Designee / Dept. Admin.)John V. Murre John V. Murre Date: 06/16/04  
(print - name of Prog. Serv. Admin. / Asst. Admin.) (signature of Prog. Serv. Admin. / Asst. Admin.)Date Detainee Received Response: 06/16/04 Detainee Signature: James McKoy

## REQUEST FOR AN APPEAL

\*APPEALS MUST BE MADE WITHIN 14 DAYS OF THE DATE THE DETAINEE RECEIVED THE RESPONSE\*

Date Detainee Request For An Appeal: 06/16/04Detainee's Basis For An Appeal: THERE IS NO RULES TO THIS EFFECT AND THIS IS A MEDICAL UNIT, WHAT ABOUT OUR SEFTY?Appeal Board's Acceptance Of Detainee's Request: YES ☐ NO ☒

Appeal Board's Reasoning / Decision / Recommendation To The Superintendent Or Administrator:

Security Policies set for the Department cannot be deviated from.

Appeal Board's Signatures / Dates:

Richard S. 6-29-04 Richard S. 6-29-04 Richard S. 6-29-04Date Detainee Rec.'d the Appl. Bd.'s Response: 07/07/04 Detainee Signature: James McKoy

GRIEVANCE CODE(S): ( ) ( ) ( ) ( )

## **EXHIBIT 3**

## EMERGENCY ROOM RECORD

Time ER visit completed 9:00  
Time departed for JSH 9:00

HISTORY/COMPLAINTS	Sex	DOB:	RACE:
	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	9/26/64	POW L Other

rouma

ALLERGIES:	LAST TETANUS	0	Alan
------------	--------------	---	------

39 of 1007 presents to Lk C/o bright in head  
to white, skin is still dry (4) and during  
alterations of 12/24 and 12/11 & head of  
@ site of abuse, (B) 4th digit & (C) lateral bone

CHART - OTHER PRR 10

A bond to C<sup>th</sup> Lieut Pittman and Am. crowd 11/2

(3) Antibiotic resistance / (4) internal [7] - 201

X-RAY *10/4/44* *right, left* **DIAGNOSIS:** *metastatic carcinoma*

LAB ☐ *to blood group*

☐ No Sick Call ☒ Specialty Clinic ☐ JSH ☐ Physician Signature:

CONSENT - I HEREBY AUTHORIZE THE PHYSICIAN AND/OR NURSE IN CHARGE OF EMERGENCY/IN-PATIENT CARE AT OMAHA AND/OR SPRINGFIELD

X James M. Gray  
SIGNATURE OF PATIENT OR RESPONSIBLE PERSON

Signature of Witness

RELEASE- I HEREBY REFUSE TREATMENT IN THIS CASE AS ADVISED BY THE  
PHYSICIAN IN CHARGE OF EMERGENCY/OR OUTPATIENT CARE AT CERMAK HEALTH-  
SERVICES AND I HEREBY AGREE NOT TO HOLD THE PHYSICIAN OR CERMAK HEALTH-  
SERVICES RESPONSIBLE FOR ANY HARM OR INJURY THAT MAY RESULT FROM MY  
ACTION, AND TO RELEASE MEDICAL INFORMATION TO PUBLIC AUTHORITIES.

SIGNATURE OF PATIENT OR RESPONSIBLE PERSON \_\_\_\_\_

SIGNATURE OF WITNESS



Cermak Health Services of Cook County  
2800 South California Avenue  
Chicago, Illinois 60608

# EMERGENCY RESPONSE / AMBULANCE REPORT SHEET FOR CCDOC

DATE:	6-30-04	TIME INFORMATION	
NAME:	Mc Boy, James E	CALLED:	
DOB:	9-26-1964	ARRIVED SCENE:	
ID:	20020032025	DEPARTED SCENE:	
DIVISION:	X1/AC	ARRIVED AT HOSPITAL:	
ORIGIN OF RUN: CHS ER <input type="checkbox"/> OAK FOREST <input type="checkbox"/> OR COURT <input type="checkbox"/> DIVISION <input type="checkbox"/> SITE OF EMERGENCY OTHER <input type="checkbox"/>		RETURNED TO CHS:	

## CHIEF COMPLAINT / REASON FOR TRANSPORT:

Left arm, & neck with a steel clutch  
 Patient stated: "I was hit in my head,

TIME	BLOOD PRES.	PULSE	RESP	TEMP.	O2/FIB / RHYTHM	O2	DRUGS / SOLU	DOSE
1700	130/90	112	20	97.7				

## PHYSICAL FINDINGS:

Allergies: ☒  
 Medical Hx: ☒

## ASSESSMENT:

1. C/O neck, head injury  
 2.  
 3.

## THERAPY RENDERED:

sent to Cermak  
 ER for further  
 Eval

0000495

## MODE OF TRANSPORTATION:

W/C ☐ Stretcher ☐ Stair Chair ☐  
 Cart ☐ Ambulance ☐ Walk ☒

## DESTINATION / DISPOSITION:

JSH/ER ☐ CERMAK ER ☒ REMAIN IN GP ☐ REFER TO S/C ☐  
 OAK FOREST ☐ COURT ☐ OTHER ☐

## EMT / NURSE

Examined

1. MEDICAL CHART 2. RESOURCE HOSPITAL  
 3. CERMAK EMT DIRECTOR



\*\*\*Final Result\*\*\*

**COOK COUNTY BUREAU OF HEALTH SERVICES  
CERMAK HEALTH SERVICES  
DIAGNOSTIC WITHOUT CONTRAST DEPARTMENT**

Printed: July 2, 2004 10:31am

<b>Patient Name:</b>	MCROY, JAMES E.	<b>Sex:</b>	M
<b>Admission No:</b>	020020032025	<b>Pt. Class:</b>	O
<b>Med. Rec. No:</b>	000323106	<b>Rad No:</b>	200400003920
	90013	<b>Order No:</b>	
<b>Referring Dr:</b>	, MD	<b>Ordering Loc:</b>	Cermak SCDiv11
<b>Ordering Dr:</b>	, MD	<b>DOB:</b>	09/26/1964
<b>Admission Date:</b>	06/30/2004	<b>Discharge Date:</b>	

DATE OF EXAM: Jun 30 2004 ACC #: 6743854

**KDN 1183 - HAND METACARPALS LEFT :**

CLINICAL HISTORY: PAC. S/P BHT AND BT TO HAND R/O FX

**FINDINGS:** Examination of the left hand reveals no evidence of acute fracture. There is mild deformity of the left 4th and 5th metacarpal bones probably secondary to an old healed trauma.

**IMPRESSION:** AS ABOVE.

DATE OF EXAM: Jun 30 2004 ACC #: 6743855

**KDN 1379 - SKULL 4 VIEWS :**

CLINICAL HISTORY: PAC. S/P BHT AND BT TO HAND R/O FX

**FINDINGS:** The cranial vault appears to be intact. No linear or depressed fracture is noted. There are no abnormal intracranial calcifications. The sella turcica appears normal. The petrous ridges are symmetrical.

**IMPRESSION:** NORMAL SKULL.

DATE OF EXAM: Jun 30 2004 ACC #: 6743856

**KDN 1129 - FINGER 4TH DIGIT RIGHT :**

0000499

\*\*\*Final Result\*\*\*

COOK COUNTY BUREAU OF HEALTH SERVICES  
CERMAK HEALTH SERVICES  
DIAGNOSTIC WITHOUT CONTRAST DEPARTMENT

Printed: July 2, 2004 10:31am

Patient Name: MCROY, JAMES E. Sex: M  
Admission No: 020020032025 Pt. Class: O  
Med. Rec. No: 000323106 Rad No: 200400003920 Order No:  
90013  
Referring Dr: , MD Ordering Loc: Cermak SCDiv11  
Ordering Dr: , MD DOB: 09/26/1964  
Admission Date: 06/30/2004 Discharge Date:

CLINICAL HISTORY: PAC. S/P BHT AND BT TO HAND R/O FX

FINDINGS: Examination of the right 4th finger reveals no evidence of acute fracture. There is small periosteal thickening of the ulna side of distal aspect of proximal phalanx of the 4th finger. There is minimal swelling of the soft tissues at the proximal interphalangeal joint area.

IMPRESSION: AS ABOVE.

Transcriptionist: DF  
Transcribe Date/Time: Jul 1 2004 2:25P  
Read by : OSCAR JARA ,M.D.

This document has been electronically  
Signed by: OSCAR JARA ,M.D. On: Jul 2 2004 10:42A

0000500

## **EXHIBIT 4**

Please Print Information

04POPA01DS

<b>SECTION I DISCIPLINE REPORT</b>		Division: <u>X1</u>	Date of Infraction: <u>30/11/04</u>
Detainee's Name: <u>McCoy, James E</u>		ID# <u>2002032025</u>	Date of Birth: <u>9/26/64</u>
Detainee's Living Unit: <u>AC</u>	Place of Incident: <u>Detention AC</u>		Time: <u>11:57</u> HRS
<input type="checkbox"/> Category I	<input type="checkbox"/> Category II	<input checked="" type="checkbox"/> Category III	<input type="checkbox"/> Category IV
<input type="checkbox"/> Category V	<input type="checkbox"/> Category VI		
Description of Charge(s) & Code(s): <u>Fighting</u>			
Detainee Injuries: <input type="checkbox"/> Yes <input type="checkbox"/> No Medical Attention: <input type="checkbox"/> Yes <input type="checkbox"/> No Name(s): <u>Ma... James E...</u>			
Staff Injuries: <input type="checkbox"/> Yes <input type="checkbox"/> No Medical Attention: <input type="checkbox"/> Yes <input type="checkbox"/> No Name(s): <u>N/A</u>			
Victim Report: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Reported to Internal Investigations: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Material Confiscated / Evidence Bag # (attach photocopy of evidence): <u>1 STICK CAUTION</u>			
Description of Incident: <u>On the above date and time after 11:00 AM, I was in the middle of the day room. The 1st... ...physical altercation involving... ...and... ...Several officers responded including... ...After... ...the ground... ...taken to... ...AC... ...AC... ...AC...</u>			
Disciplinary Report Delivered to Detainee By (Name and Star #): <u>...</u>		Date and Time Delivered: <u>6/13/04 22:10</u> HRS	
Detainee's Signature: <u>...</u>			

Reporting Employee / Signature & Star #: <u>...</u>	CCDOC Personnel Who Witnessed Infraction: <u>...</u>
Reviewing Supervisor / Signature & Star #: <u>...</u>	Name and Star (printed): <u>...</u>
Superintendent or designee's Signature: <u>...</u>	Name and Star (printed): <u>...</u>

<b>SECTION II DISPOSITION BY DISCIPLINARY HEARING BOARD</b>		Date of Hearing: <u>07/10/04</u>
Detainee Requested Witnesses: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Waive 24 Hr. Notice: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Representative/Interpreter: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Detainee Witness: <u>...</u>	Detainee Witness: <u>...</u>	Living Unit: <u>...</u>
Detainee's Plea to Charge: <input type="checkbox"/> Guilty As Charged <input checked="" type="checkbox"/> Not Guilty	Detainee Status While Awaiting Hearing: <u>...</u>	
Detainee's Statement Regarding Infraction: (Use Continuation Sheet If Necessary) <u>...</u>		
Testimony of Witnesses: (Use Continuation Sheet If Necessary)		DETAINEE SIGNATURE: <u>...</u>

IT IS THE FINDING OF THE DISCIPLINARY HEARING BOARD THAT: ("X" APPLICABLE BOX)		
<input checked="" type="checkbox"/> GUILTY AS CHARGED	<input type="checkbox"/> NOT GUILTY	<input type="checkbox"/> INVALID REPORT
<input type="checkbox"/> 72 HOURS EXPIRED	<input type="checkbox"/> 7 DAY EXPIRED	
Disciplinary Hearing Board's Finding is Based On The Following Information: <input checked="" type="checkbox"/> DETAINEE REPLY/DISCIPLINARY REPORT <input type="checkbox"/> OTHER		
Disciplinary Hearing Board Recommends The Following Action: <u>...</u>		
Start/Date of Action: <u>06/30/04</u>	End Date: <u>07/10/04</u>	
Disciplinary Hearing Board Member Signature/Title/Date: <u>...</u>	Disciplinary Hearing Board Member Signature/Title/Date: <u>...</u>	Disciplinary Hearing Board Member Signature/Title/Date: <u>...</u>
If found guilty of disciplinary charges, you may appeal to the divisional Superintendent. The Superintendent will render a decision in writing within five (5) working days of receiving the appeal.		
White - Disciplinary Hearing Board's Copy Pink - Detainee's Copy After Hearing Yellow - Superintendent/Divisional File Copy Gold/oured - Detainee's Copy Prior to Hearing (notification of Charge(s))		

## **EXHIBIT 5**

GAVE TO OFFICER  
 AIBERSO 7-3 SHIFT 6-3-04  
 TO GIVE TO SERGEANT  
 MCQUAD

JAMES E. MCROY  
 ID# 2002<sup>00</sup>32025, DIVISION 11, UNIT AD  
 P.O. BOX 089002, CHICAGO, IL. 60608

JULY 2, 2004

\*

FOLLOW UP LETTER  
 WRITTEN 7-26-04

C.C.D.O.C.  
 SUPT. PLAXICO  
 2700 S. CALIFORNIA  
 CHICAGO, IL. 60608

RE: DISCIPLINARY REPORT, APPEAL.

DEAR SUPERINTENDENT PLAXICO:

I WAS PROTECTING MYSELF WHEN I WAS ASSAULTED BY  
ON JUNE 30, 2004, AT 4:30 PM  
 ANOTHER INMATE. I WAS ASSAULTED WITH A STICK FROM A BROOM  
 AND THEN A STEEL CRUTCH BY OTHER INMATES. AFTER BEING  
 ASSAULTED WITH THE BROOM STICK, I DID NOT FIGHT BACK UNTIL  
 SEVERAL PUNCHES WERE THROWN ~~WAS~~ <sup>AT ME</sup> I DID NOT THROW THE FIRST  
 PUNCH. LATER OTHER GANG MEMBERS BEGAN ASSAULTING ME  
 IN THE MIDDLE OF DAY ROOM. I DO NOT WANT TO PRESS ANY  
 CHARGES AGAINST ANYONE INVOLVED.

I HAVE NOT BEEN IN ANY TROUBLE FOR THE TWO YEARS HERE  
 IN C.C.D.O.C., IN WHICH I HAVE CAUSED. I DO NOT NEED  
 ANY COMPLAINTS IN MY FILE FOR DISCIPLINE REASONS. I PRAY  
 YOU REVERSE THIS CHARGE AGAINST ME. BECAUSE I DID NOT  
 ASSAULT THIS INMATE, BUT WAS PROTECTING MYSELF.

I HAVE BEEN ASKING OFFICERS COVERING UNIT AC, TO HAVE  
ME MOVED TO AN OLD MAN DECK, TO GET AWAY FROM  
SUCH HAPPENING EVENTS.

I HAVE REQUEST UNIT(AA) OR UNIT(BA), BECAUSE OF  
MONDAY VISIT. THAT'S THE ONLY DAY MY SISTER CAN ~~WITNESS~~ <sup>THE ONE PERSON HOW VISIT ME</sup> ~~COME OUT~~ <sup>MAKE IT OUT HERE.</sup>

I TRULY HOPE THIS WILL BE REVERSED AND I CAN BE MOVED  
TO AN OLD MAN DECK. I WILL BE 40 YEARS OLD IN SEPTEMBER  
AND MOST OF MY TIME IN DIVISION 11, WAS ON AN OLD MAN DECK.  
IF NOT UNITS (AA) OR (BA), CAN I MOVE TO UNIT (CD) FOR  
SUNDAY VISITS. ALSO I DID NOT REFUSE TO SIGN THE DISCIPLINARY  
REPORT, I <sup>FIRST</sup> RECEIVED THIS REPORT ON JULY 1, 2004, AT 9:30PM, FROM AN INMATE.

I WOULD LIKE TO THANK YOU FOR YOUR TIME AND  
CONSIDERATION IN THESE <sup>IMPORTANT</sup> MATTERS.

SINCERELY YOUR,  
James E. McRoy  
JAMES E. MCROY

THIS IS MY FIRST TICKET, I WAS NOT TOLD I, COULD REQUEST  
A WITNESS(ES) AND BROOM STICK NOT PART OF EVIDENCE.

## **EXHIBIT 6**



July 26, 2004

RE: DISCIPLINARY REPORT, APPEAL. FOLLOW-UP LETTER

DEAR SUPERINTENDENT PLATICO!

I AM FOLLOWING UP ON A (APPEAL) LETTER WRITTEN ON JULY 2, 2004  
THAT I GAVE TO OFFICER ALBERSON <sup>ON JULY 3, 2004</sup> TO GIVE TO SERGEANT MCQUAD, BECAUSE  
THE SERGEANT WOULD NOT COME TO MY CALL ON (AD), WHEN I TOLD HIM I HAD AN  
APPEAL LETTER OR FOR WHAT EVER REASON.

THE PREVIOUS LETTER STATED, I WAS PROTECTING MYSELF WHEN I WAS ASSAULTED BY ANOTHER INMATE ON JUNE 30, 2004, AT ABOUT 4:30PM. I WAS ASSAULTED WITH A STICK FROM A BROOM AND THEN WITH A STEEL CRUTCH, BY OTHER INMATES, ON UNIT 1A

I DID NOT FIGHT BACK UNTIL SEVERAL PUNCHES WERE THROWN AT ME. I DID NOT THROW THE FIRST PUNCH, THEN OTHER GANG MEMBERS BEGAN TO ASSAULT ME IN THE MIDDLE OF THE DAYROOM. I'M NOT LOOKING TO PRESS ANY CHARGES AGAINST ANYONE, BUT I SHOULD NOT GET A TICKET AGAINST ME FOR SOMETHING I DID NOT START.

I HAVE NOT BEEN IN ANY TROUBLE FOR THE TWO YEARS WHILE HERE IN C.C.D.O.C. I DO NOT NEED ANY COMPLAINTS IN MY FILE FOR DISCIPLINE REASONS. I PRAY YOU WILL REVERSE THIS CHARGE AGAINST ME. BECAUSE I DID NOT ASSAULT THIS

ALSO I DID NOT REFUSE TO SIGN THE DISCIPLINARY REPORT. I FIRST RECEIVED THIS REPORT ON JULY 1, 2004, AT 9:30PM, FROM ANOTHER INMATE.

THIS IS MY FIRST TICKET, I WAS NOT TOLD I COULD REQUEST WITNESSES, PLUS A BROOM STICK WAS USED, BUT WAS NOT PART OF THE EVIDENCE.

I WOULD LIKE TO THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS IMPORTANT MATTER, AND I ~~WILL~~<sup>HOPE</sup> ~~LOOK~~ WILL PRAY FOR A RESPONSE.

SINCERELY YOURS,

*James E. McRoy*  
JAMES E. MCROY

## **EXHIBIT 7**

Part-A / Control #: X

Referred To: \_\_\_\_\_

# COOK COUNTY DEPARTMENT OF CORRECTIONS

## DETAINEE GRIEVANCE

Detainee Last Name: McROY First Name: JAMES

ID #: 2002 - 0033025 Div.: 11 Living Unit: CD Date: 08/09/04

BRIEF SUMMARY OF THE COMPLAINT: ON JUNE 30, 2004, I RECEIVE A TICKET FOR PROTECTING MY SELF, IN A FIGHT. I DID NOT THROW THE FIRST PUNCH, I WAS ATTACKED WITH A BROOM STICK AND THEN BY A GANG AND ASSAULTED WITH A STEEL CLUTCH. I WROTE AN APPEAL ON JULY 2, 2004, HANDED IT TO OFFICER HIBERSON TO GIVE TO SERGEANT McQUAD, ON JULY 3, 2004, BECAUSE THE SERGEANT DID NOT COME BACK TO MY CELL AS HE SAID HE WOULD. I HAVE NOT HEARD ANYTHING FROM THIS APPEAL, ADDRESSED TO SUPERINTENDENT PINOCO I'VE PUT IN REQUEST SLIPS TO SUPERINTENDENT TO NO AVAIL. I HAVE WRITTEN A FOLLOW-UP APPEAL LETTER, AND GAVE IT TO SERGEANT SUPER ON JULY 26, 2004, I HAVE NOT HEARD ANYTHING FROM THAT ON ~~FROM~~ <sup>THE</sup> SECOND APPEAL LETTER, IT STATES "IF FOUND GUILTY OF DISCIPLINARY CHARGES, YOU MAY APPEAL TO DIVISIONAL SUPERINTENDENT. THE SUPERINTENDENT WILL RENDER A DECISION IN WRITING WITHIN (5) WORKING DAY OF RECEIVING THE APPEAL.

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT: OFFICERS MENTIONED ABOVE, AND SOCIAL WORKER WHO RECEIVED REQUEST SLIP.

ACTION THAT YOU ARE REQUESTING: TO HAVE TICKET REVERSE, BECAUSE I DID NOT START THIS! I HAVE COPIES OF LETTERS, APPEAL LETTERS IT NEEDED...

DETAINEE SIGNATURE: JAMES McROY

C.R.W.'S SIGNATURE: \_\_\_\_\_

DATE C.R.W. RECEIVED:       /      /      

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form. All appeals must be made in writing and directly submitted to the Superintendent.